



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/501,802

02/09/2005

Jarmo Smahl

46401-014US1

6862

69713 7590 04/11/2008
OCCHIUTI ROHLICEK & TSAO, LLP
10 FAWCETT STREET
CAMBRIDGE, MA 02138

EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

NOTIFICATION DATE

DELIVERY MODE

04/11/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM

Office Action Summary	Application No. 10/501,802	Applicant(s) SMAHL, JARMO	
	Examiner David E. Bochna	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23 and 26-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23 and 26-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The office action mailed out on 1/25/08 was prepared without considering the claims that were submitted on 1/23/08. This office action is in response to the 1/23/08 amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-23, 26-29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallerstrom et al. in view of WIPO Publication 2005/052433.

In regard to claim 21, Hallerstrom et al. discloses a pipe fitting for connecting at least two pipes, which pipe fitting comprises at least an innermost layer 13 and an outer layer 11 in such a way that the innermost layer is made of a material different from the outer layer, and that the innermost layer is made of plastic tolerating high temperatures, and that the outer layer is formed of such a material that the outer layer is arranged to function as the provider of a UV protector, wherein the materials of the different layers are selected in such a way that the outer layer is in contact (11b contacts 13, but is not attached to 13) with but not secured to the innermost layer, such that the surfaces of the innermost layer 13 and the outer layer 11b are able to move relative to each other wherein the outer layer is made of polyethylene. Hallerstrom et al. discloses a pipe

Art Unit: 3679

fitting made of plastic, but Hallerstrom et al. does not disclose that the innermost layer of the fitting 13 is made of polyphenyl sulphone, polysulphone, polyvinylidene fluoride, polyketone, or polyether ketone. WIPO '433 teaches that making plastic pipe fittings out of PSU, PPSU or PVDF is common and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to make the fitting of Hallerstrom et al. out of PSU because the practice of making fittings out of PSU is common and well known in the art, as demonstrated by WIPO '433.

In regard to claim 22, wherein the outer layer 11 is arranged to function as the provider of chemical resistance (it is made out of polyethylene which offers chemical resistance).

In regard to claim 23, wherein the outer layer is arranged to function as mechanical reinforcement (11 protects 12a).

In regard to claim 26, wherein the walls 13 of the innermost layer are formed smooth.

In regard to claim 27, wherein there is an intermediate layer 12a between the innermost layer and the outer layer.

In regard to claim 28, wherein the intermediate layer 12a is a foamed plastic material layer (see col. 4, line 3).

In regard to claim 29, wherein the outer surface of the pipe fitting is of the same color as the at least two pipes to be connected to the pipe fitting (please note that a change in ornamental design having no mechanical function is an aesthetic design consideration within the skill of the art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)).

In regard to claim 40, wherein the outer layer 11 is formed as a separate and replaceable part (see col. 4, lines 55-64).

Art Unit: 3679

4. Claims 21 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Deters et al. in view of WIPO '433 and further in view of Burrowes.

In regard to claim 21, Deters et al. discloses a pipe fitting for connecting at least two pipes, which pipe fitting comprises at least an innermost layer 25 and an outer layer 20 in such a way that the innermost layer is made of a material different from the outer layer, and that the innermost layer is made of plastic tolerating high temperatures, and that the outer layer is formed of such a material that the outer layer is arranged to function as the provider of a UV protector, wherein the materials of the different layers are selected in such a way that the outer layer is in contact but not secured to the innermost layer (see claim 1, where only a mechanical bond exists between the inner and outer and outer components so that the outer cover can be broken and removed, much in the same manner of the present invention where the inner and outer layer are connected to one another), such that the surfaces of the innermost layer 25 and the outer layer 20 are able to move relative to each other wherein the outer layer. Deters et al. discloses a pipe fitting made of plastic, but Deters et al. does not disclose the exact materials of the innermost and outermost layers of the fitting.

WIPO '433 teaches that making plastic pipe fittings out of PSU, PPSU or PVDF is common and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to make the innermost layer of Deters et al. out of PSU because the practice of making fittings out of PSU is common and well known in the art, as demonstrated by WIPO '433.

Burrowes teaches providing a plastic junction pipe fitting with a polyamide coating is common and well known in the art. Therefore it would have been obvious to one of ordinary

skill in the art to make the outermost layer of Deters et al. out of a polyamide because the practice of making fitting coatings out of a polyamide is common and well known in the art, as demonstrated by WIPO '433.

In regard to claim 30, wherein the end of the outer layer 24 is arranged to function as a stop member of the at least one of the at least two pipes to be inserted into the pipe fitting (layer 24 could act as a pipe stop if the radial thickness of the hose was large enough to abut the end of 24).

In regard to claim 31, wherein the UV protection of the outer surface of the pipe fitting is intensified with metal or mica pigment (see col. 6, lines 60-64 of Burrowes).

In regard to claim 32, wherein a compression collar (fig. 3 of Deters et al.) is arranged to be used to guarantee the connection between the pipe fitting and at least one of the at least two pipes.

In regard to claim 33, wherein the outer diameter of the pipe fitting is arranged to be equal to the outer diameter of the compression collar (see fig. 3 of Deters et al.).

In regard to claim 34, wherein the color of the compression collar is substantially the same as the color of the pipe fitting (please note that a change in ornamental design having no mechanical function is an aesthetic design consideration within the skill of the art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)).

In regard to claim 35, wherein the outer surface of either the compression collar or the pipe fitting is embossed 24a.

In regard to claim 36, wherein the end of the compression collar on the side of the at least one of the at least two pipes is rounded (the ends of the collar are circumferentially round).

In regard to claim 37, further comprising a support is intended to be used in connection with the pipe fitting, the support having a support collar whose width is substantially equal to the width of the compression collar and whose outer diameter is substantially equal to the outer diameter of the compression collar (this is all intended use limitation language and claims no structural limitations relating to the pipe fitting recited in the preamble of the claim).

In regard to claim 38, wherein the at least two pipes, the support, the pipe fitting and the compression collar are substantially of the same color (please note that only the pipe fitting is being positively recited in the preamble and a change in ornamental design having no mechanical function is an aesthetic design consideration within the skill of the art. In re Seid, 161 F.2d 229, 73 USPQ 431 (CCPA 1947)).

In regard to claim 39, wherein in connection with the pipe fitting a plastic composite pipe having a plastic innermost layer and a metal layer outside it is intended to be used; the outer surface of the plastic composite pipe is of metal color, the color being provided by using a transparent extruded plastic material upon the metal layer, or in such a way that a surface is extruded upon the metal, which surface is colored using pearlescent, metal-colored or mica pigments (this is all intended use limitation language and claims no structural limitations relating to the pipe fitting recited in the preamble of the claim).

Response to Arguments

5. Applicant's arguments with respect to claims 21-23 and 26-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/
Primary Examiner, Art Unit 3679